

REMARKS

Reexamination and reconsideration in light of the foregoing amendments to the claims and following remarks is respectfully requested.

Claims 1-20 are pending in this application. Applicant appreciates the indication of allowable subject matter in claims 1-4, 6-9, 11-17 and 20. In order to expedite prosecution, it is proposed to cancel claim 19 without prejudice or disclaimer and to amend claim 5 to change "fourth" to --third--, and to amend claim 18 to be dependent on claims 13 and 16 only. The proposed amendment would not require a new consideration or search and would not raise any issue of new matter. Accordingly, it is respectfully requested that the amendment be entered.

Applicant notes the Examiner's acknowledgment of Applicants' claim for foreign priority under 35 U.S.C. § 119 and receipt of the certified priority document.

Claims 5 and 10 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite in that the phrase "said fourth hydrotreating step" lacks antecedent basis. To obviate this rejection, it is proposed to amend the word "fourth" in the phrase in claim 5 to --third--. It is believed that this proposed amendment would obviate the rejection of both claims 5 and 10. Accordingly, it is respectfully requested that the amendment be entered.

Claim 18 stands rejected under 35 U.S.C. § 102 as being anticipated by Japanese reference, JP 06207179A. The reference discloses a low-sulfur crude oil that is desalted. The resultant crude oil is then subject to a separation treatment by atmospheric distillation to produce a low boiling fraction and a high boiling fraction. The high boiling fraction is further subject to a separation treatment by vacuum distillation and supercritical solvent extraction/separation to further produce a relatively low boiling fraction and a high boiling fraction. A gas turbine fuel

oil is produced by mixing the low boiling fraction and the fraction produced by further separation treatment of the high boiling fraction. Although the reference discloses that the gas turbine fuel oil produced comprises “a low boiling fraction of 0.05% or less by weight in sulfur content,” in fact, the gas turbine fuel oil made in accordance with the reference is a mixture of a low boiling fraction by atmospheric distillation and a relatively low boiling fraction separated from the high boiling fraction. Thus, the major component of the gas turbine fuel oil is the low boiling fraction.

The gas turbine fuel oil according to claim 18 of the present invention is produced from atmospheric residue oil or crude oil that contains little low boiling fraction. Therefore, fuel oil itself contains little low boiling fraction. Although the gas turbine fuel oil of claim 18 is produced from an atmospheric residue oil or crude oil wherein the major component is the high boiling fraction, as the gas turbine fuel is produced by the method according to claim 13 or claim 16, the gas turbine fuel oil can be used as a gas turbine fuel oil without mixing with a low boiling fraction which is separated by atmospheric distillation.

The gas turbine fuel oil disclosed in the reference relied upon by the Examiner contains a low boiling fraction as the major component, while the gas turbine fuel oil of claim 18 contains a small amount of the low boiling fraction and a large amount of high boiling fraction as major component. Therefore, the gas turbine fuel oil claimed is not anticipated by the Japanese reference.

Application No.: 09/807,696

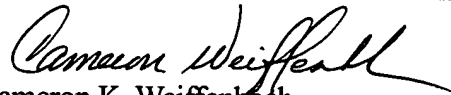
Claim 19 was rejected under 35 U.S.C. § 103 as being unpatentable over the same Japanese Abstract in view of admitted prior art. It is proposed to cancel claim 19, thereby rendering the rejection moot. It is requested that the amendment be entered.

For the foregoing reasons, it is submitted that the claims 5, 10 and 18 are patentable over the teachings of the prior art relied upon by the Examiner. Accordingly, favorable reconsideration of the claims is requested in light of the preceding proposed amendments and remarks. It is requested that the proposed amendment be entered and the claims be allowed as amended..

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due under 37 C.F.R. § 1.17 and in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Cameron K. Weiffenbach
Registration No. 44,488

600 13th Street, N.W.
Washington, DC 20005-3096
202.756.8000 CKW:jj
Facsimile: 202.756.8087
Date: September 15, 2004